

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and applicants request that the application be favorably reconsidered in view of the remarks and amendments made herein.

Claims 1 and 6 were rejected under 35 U.S.C. 102(a) as being anticipated by Yoshida et al. (JP Patent 11-312285, Machine Translation). Traversal of this rejection is made for at least the following reasons. Claim 1 has been amended herein to substantially include the limitations of original claim 5, which was cancelled. Claim 5 was not rejected under 35 U.S.C. 102(a) as being anticipated by Yoshida et al. Accordingly, the arguments made herein for claim 1 will be made with respect to the Examiner's rejection of claim 5 as being obvious over the combination of Yoshida et al. and Tognazzini under 35 U.S.C. 103(a).

The combination of Yoshida et al. and Tognazzini does not teach or suggest an on-vehicle communication system comprising means for *detecting a relative distance between said on-vehicle terminal main unit and said mobile terminal, wherein said means switches a main system for communications of said on-vehicle communication system*, as recited in claim 1. The Examiner concedes that Yoshida et al. does not disclose the above limitation and thus, relies on Tognazzini in an attempt to make up for the deficiencies of Yoshida. In particular, the Examiner argues that Tognazzini discloses system 12 having a control processor 24b that accesses digital map databases to provide a geographical display based on received GPS data; and that the GPS system of Tognazzini can be used to detect a relative distance between an on-vehicle terminal main unit and a portable locator device 10. However, the system 12 of Tognazzini relied upon by the Examiner is an emergency receiver system located at a fixed location or used on a portable device by emergency personnel. See col. 4, lines 61-63. More specifically, the emergency receiver station 12 of Tognazzini is utilized to receive emergency information from the locator device, determine its location, and contact rescue teams (e.g., law enforcement, ambulance, etc.), if necessary. Thus, the emergency receiver station is more like the information service center 2 of the present invention. In other words, the relied upon system 12 of Tognazzini is not an on-vehicle communication system. Further, Tognazzini only discloses using GPS data to determine a current location of the portable locator device 10. Determining a distance between the portable locator device 10 and a terminal main unit located in or on the vehicle is absent from Tognazzini. Moreover, an on-vehicle system having means for switching a main system for communications

of the on-vehicle communication system, as required by claim 1, is also absent from Tognazzini.

Further, claim 1 has been amended to clarify that “if said mobile terminal has finished having the first radio communication means transmit the predetermined data to the information service center...” By this condition, it is possible to use voice communication and provision of information to the mobile terminal together. In a situation where the mobile terminal is brought to a position outside the vehicle in an emergency, the mobile terminal is able to provide the position or voice to the emergency center. Thus, it is possible to carry emergency report while defending the user. Neither Yoshida et al. nor Tognazzini teach or suggest this limitation.

Because neither Yoshida nor Tognazzini, alone or in combination, teach or suggest each and every element set forth in amended claim 1, the combination of Yoshida and Tognazzini does not make obvious such claim. Accordingly, withdrawal of this rejection is respectfully requested.

Regarding claim 6, which was rejected under 35 U.S.C. 102(a) as being anticipated by Yoshida et al., traversal of the Examiner’s rejections is made for at least the following reasons. Yoshida et al. does not disclose an information service center comprising means for distinguishing whether information is being transmitted from an on-vehicle terminal main unit or from a mobile terminal, as recited in claim 6. In contrast, the emergency center 2 only receives information from an on-vehicle main unit. This is illustrated by Drawing 3 of Yoshida et al. which illustrates the on-vehicle main unit. The cellular phone unit 32 communicates with a modem 34 via a first radio-transmission means 33 and with a hand set 36 via a second radio-transmission means 35. The cellular phone unit 32 then communicates received information from the modem 34 and/or hand set 36 with the emergency center 2. The hand set 36 relied upon by the Examiner as being equivalent to the claimed mobile terminal is not able to communicate with the emergency center 2 directly because the hand set 36 does not include any type of communications means, e.g., a transmitter/receiver or antenna. Thus, the emergency center 2 of Yoshida et al. only distinguishes whether the received information is data information from the modem or voice information from the hand set. Means for distinguishing whether information is being transmitted from an on-vehicle terminal main unit or from a mobile terminal is absent from Yoshida et al.

Because Yoshida et al. does not disclose each and every limitation set forth in claim 6, Yoshida et al. cannot anticipate such claim. Withdrawal of this rejection is respectfully requested.

Claims 2-5 and 7-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (JP Patent 11-312285, Machine Translation) in view of Tognazzini (US Patent No. 5,914,675). Traversal of this rejection is made for at least the following reasons. Claims 2-5 depend from claim 1, which is believed to be allowable over the combination of Yoshida et al. and Tognazzini for the reasons discussed above. Accordingly, the combination of Yoshida et al. and Tognazzini does not make obvious claim 1, or claims 2-5, which depend therefrom.

Further, regarding claims 3 and 4, the Examiner concedes that Yoshida does not disclose the mobile terminal including a function of the state sensor means; and thus, relies on Tognazzini in an attempt to make up for the deficiencies of Yoshida et al. However, Tognazzini does not disclose, teach, or suggest that the portable locator device 10 include a function of the state sensor means. Rather, Tognazzini clearly shows that the crash sensor 50 is located in the vehicle and is not part of the portable locator device 10. See Figure 1 and col. 5, lines 39-45 of Tognazzini. Tognazzini merely receives information from the crash sensor 50 via a status interface 54 of the portable locator device 10. The information is then stored in a memory in the portable locator device 10. Thus, neither Yoshida et al. nor Tognazzini, alone or in combination, teach or suggest a mobile terminal including a function of the state sensor means, as required by claims 3 and 4.

Further, regarding claims 7-10, neither Yoshida et al. nor Tognazzini, alone or in combination, teach or suggest a mobile terminal having voice communication means and data retaining means for temporarily storing data and wherein an on-vehicle terminal main unit and the mobile terminal can communicate with each other via a second radio communication means, as recited in independent claim 7. Rather, Yoshida et al. merely discloses radio means 23 having a cellular phone unit 32 that can receive information from a hand set 36 via a second radio transmission means 35. Yoshida et al. does not disclose, teach, or suggest that the hand set 36 includes data retaining means. Further, the hand set 36 of Yoshida et al. is only operable to transmit data to the cellular phone unit 32. The hand set 36 and the cellular phone unit 32 do not communicate with each other. Tognazzini does not make up for the deficiencies of Yoshida et al. The system disclosed in Tognazzini is a mobile terminal system only. The mobile terminal 10 can be employed within the vehicle or at a remote location. However, the mobile terminal only communicates with a receiver station 12. The mobile terminal 10 of Tognazzini does not communicate with an on-vehicle system via a radio communication means.

Further, the hand set 36 of Yoshida is not equivalent to a mobile terminal with voice

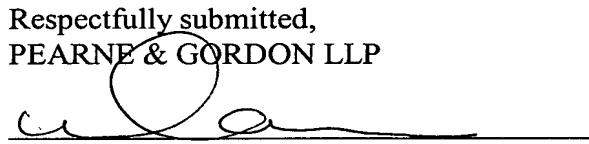
communication means and data retaining means for temporarily storing data. The Examiner contends that one skilled in the art would have been motivated to modify the hand set 36 of Yoshida et al. to include the data retaining means of the portable locator device of Tognazzini. Applicants respectfully disagree. The system disclosed in Yoshida et al. is an on-vehicle system only. The hand set 36 is part of the radio means 23 of the on-vehicle system. The hand set 36 is employed within the vehicle only and cannot be used at a remote location. This is supported throughout the specification of Yoshida et al. See paragraph [0023], which states that the emergency center 2 is able to talk over the telephone "with the crew in a car" (emphasis added). Because the on-board system of Yoshida et al. already includes data storage means 24 comprising ROM or RAM (see Drawing 2), one skilled in the art would not have been motivated to also include data retaining means in the radio means 23. Accordingly, it is submitted that neither Yoshida et al. or Tognazzini, alone or in combination, teach or suggest employing a mobile terminal and an on-vehicle terminal main unit which can communicate with each other via a second radio communication means, wherein the mobile terminal includes data retaining means.

Because neither Yoshida nor Tognazzini, alone or in combination, teach or suggest each and every element set forth in claim 7, the combination of Yoshida and Tognazzini cannot make obvious such claim. Accordingly, withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33791.

Respectfully submitted,
PEARNE & GORDON LLP


Una L. Lauricia, Reg. No. 48,998

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700
Date: May 9, 2005